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10/026,309	12/21/2001	David Vardi	P/1318-149	7991

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OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NY 100368403

EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/026,309

Applicant(s)

VARDI, DAVID

Examiner

Haythim J. Alaubaidi

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This communication is a first non-final Office Action in regard to Application No. 10/026309 filed on December 21, 2001.
2. Claims 1-24 are presented for examination, of which Claim 1, is the only Independent.
3. Claims 1-24, are rejected under 35 U.S.C. 103(a).

***Priority***

4. The Examiner acknowledges the claim for priority under 35 U.S.C. §119, therefor awarded the benefit of the earlier filing date of December 21, 2000.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 and 5-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour I. Rubinstein (U.S. Patent No. 5,913,215 and Rubinstein hereinafter) in view of Denis O'leary (U.S. Patent No. 6,704,714 and O'leary hereinafter).

Regarding Claims 1-3, 9, 11, Rubinstein discloses:

a data gathering specification database that specifies the locations of data providers from which data is to be gathered (Figure 8, Element 810) and the data that is to be gathered (Figure 8, first element and corresponding text; see also Figure 17 and corresponding text);

an information retriever software coupled to the data gathering specification database and effective for establishing communication with the data providers and for retrieving from the data providers the data to be gathered (Figure 8, Element 815 and corresponding text);

a data collector coupled to the information retriever, the data collector including a facility for segregating data records retrieved by the information retriever into data records types and for correlating and consolidating data records (Figures 13 and 14 and corresponding text) received from different data providers according to the data record types (Col 9, Lines 20-27; see also Figure 18, Element 1820 and corresponding text); and

an analyzer (Figure 8, Element 820, i.e. analyzer; and corresponding text).

Rubinstein reference disclosed all of the claimed subject matter set forth above, except it does not explicitly indicate a report generator coupled to the data collector for

categorizing information according to desired report formats and for creating report records and a report generator for creating and providing consolidated reports of data obtained from the data providers. However O'leary teaches report generator coupled to the data collector for categorizing information according to desired report formats and for creating report records and a report generator for creating and providing consolidated reports of data obtained from the data providers (Abstract; see also Col 6, Lines 34-39; see also Col 6, Lines 40-49; see also Col 13, Lines 39-50).

Given the intended broad application of the Rubinstein system, It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Rubinstein with the teachings of O'leary to include a reporting system in order to increase the system flexibility and usability, which would attract more users and to generate more revenue.

Regarding Claim 5, Rubinstein discloses automatic gathering of the data (Figure 8, Element 810)<sup>1</sup>.

Regarding Claim 6, Rubinstein discloses detecting data changes over time (Figure 8, Element 815)<sup>2</sup>.

Regarding Claim 7, Rubinstein discloses gathering information that is not personal to the requester (Col 15, Lines 62-67, i.e. luggage).

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<sup>1</sup> The browser search and gathers the data then return it with no intervention from a user.

<sup>2</sup> When the plurality of search engines are inspecting the web pages...they are returning the updated or the latest or the current records contained in these web engines sites (these includes the changes to any records also).

Regarding Claim 8, the limitations of this claim is rejected based on Applicants admitted prior art (see the instant application, background section, Page 2, Lines 15-20).

Regarding Claim 10, O'leary discloses XML (Col 14, Lines 61-65).

Regarding Claim 12, Rubinstein discloses the information retriever includes a learning mode facility that records the steps of logging in and accessing data from various web sites (Abstract, i.e. prompting a computer-user to construct; se also Col 3, Lines 1-3).

Regarding Claim 13, O'leary discloses cost (Col 11, Line 11), item type (Col 3, Lines 9-11), user account information (Col 9, Line 65 through Col 10, Line 1).

Regarding Claim 14, Rubinstein discloses retrieving information at user specified time (Figure 2, Element 255 and corresponding text)<sup>3</sup>.

Regarding Claim 15, Rubinstein discloses in which the data collector includes a facility for resolving ambiguities and inconsistencies in data retrieved by the information retriever (Col 18, Line 67 through Col 19, Line 12).

Regarding Claim 16, Rubinstein discloses including a facility for providing common denominators for data selection (figure 6, Element 610 and corresponding text).

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<sup>3</sup> When the user clicks on the search button, this is user specified time.

Regarding Claim 17, Rubinstein discloses historical data records (Figure 9, Element 902 and corresponding text, i.e. history button).

Regarding Claim 18, Rubinstein discloses set parameters for watching and reporting user specified data items (Figure 16 and corresponding text; see also 18, Lines 12-30).

Regarding Claim 19, Rubinstein discloses reporting errors (Col 3, Lines 9-14).

Regarding Claim 20, Rubinstein discloses prepares reports that are compatible with and transportable to spreadsheet databases (Col 9, Lines 20-27).

Regarding Claim 21, the limitations of this claim are similar to the rejected Claim 1 above. It is therefor rejected as set forth<sup>4</sup>.

Regarding Claim 22, the limitations of this claim are similar to the rejected Claim 20, above. It is therefor rejected as set forth<sup>5</sup>.

Regarding Claim 23, O'leary discloses financial assets (O'leary, Col 10, Lines 43-54).

Regarding Claim 24, O'leary discloses account type (Col 10, Lines 43-50); account identification (Col 1, Lines 21-31, i.e. PIN) and cost (Col 1, Lines 21-31, i.e. amount).

7. Claim 4, is rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour I. Rubinstein (U.S. Patent No. 5,913,215 and Rubinstein hereinafter) in view of Denis

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<sup>4</sup> As the other data gathered from the plurality of search engines (Rubinstein, Figure 18) are consolidated and are the inventory of the other systems.

<sup>5</sup> Converting the data to be presented to the user is preparing the data for presentation.

O'leary (U.S. Patent No. 6,704,714 and O'leary hereinafter) and further in view of James A. Parker (U.S. Patent No. 6,366,930 and Parker hereinafter).

Regarding Claim 4, the combination of both Rubinstein and O'leary disclosed all of the claimed subject matter set forth above, except it does not explicitly indicate a hardware and software inventory. However Parker teaches hardware and software inventory (Abstract; see also Col 3, Lines 24-31; see also Col 17, Line 65 through Col 18, Line 3). The use of the combination of Rubinstein and O'leary in a different environment (other than financial information) would have been obvious and it does not rise to the level of patentability. The system may be used in other environment as well. No patentability weight was given to this limitation as its considered to be an intended use of the system because of the combination of Rubinstein and O'leary are capable of performing the intended use of the Applicant's invention. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

#### ***Other Prior Art Made of Record***

8. a. Singhal (U.S. Patent No. 6,370,527) discloses a method and apparatus for searching distributed networks using a plurality of search devices.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.



***Points of Contact***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any response to this office action should be mailed to:


The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

***Haythim J. Alaubaidi***

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Patent Examiner  
Technology Center 2100  
June 13, 2004

  
**SAFET METJAHIC**  
SUPERVISORY EXAMINER  
TECHNOLOGY CENTER 2100